

Not for Publication

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MELVENE LYNN KENNEDY,

Appellant,

v.

JAMES B. NUTTER, TOWNSHIP OF
IRVINGTON, AND MARIE-ANN
GREENBERG,

Appellees.

Civil Action No. 19-21748
(JMV)

OPINION & ORDER

John Michael Vazquez, U.S.D.J.

Currently pending before the Court is Appellant Melvene Lynn Kennedy's letter requesting additional time to respond to the Order to Show Cause dated March 19, 2020, D.E. 24; to file and serve a brief as well as reply to Appellee James B. Nutter's ("JBN") brief in opposition to Appellant's Motion for Relief from Judgment to Reimpose Automatic Stay, D.E. 26; and requesting permission to amend the "Statement of Issues on Appeal," D.E. 28. Appellant's letter was dated March 27, 2020, however the letter was entered by the Clerk and received by this Court on April 16, 2020. *Id.* Therefore, Appellant's letter, D.E. 28, was received after the Court issued its Opinion & Order dated April 7, 2020 denying Appellant's Motion for Relief from Judgment to Reimpose Automatic Stay, D.E. 27.

The Honorable Freda L. Wolfson, United States Chief District Judge of the District of New Jersey, issued Standing Order 2020-04 on March 24, 2020, stating that due to the exigent circumstances created by COVID-19, all filing deadlines in civil matters that currently fall between March 25, 2020 and April 30, 2020, are extended by forty-five (45) days, unless the presiding

judge in an individual case directs otherwise. Appellant, who is *pro se*, writes that she uses the public library for internet access, legal research, and access to her PACER account, but the closure of all public libraries in New Jersey due to COVID-19 is impacting her ability to file with the Court. D.E. 28.

Due to Standing Order 2020-04 and the circumstances Appellant set forth in her letter, the Court grants Appellant forty-five (45) additional days from the date of this Order to respond to the Court's Order to Show Cause dated March 19, 2020, D.E. 24. However, the Court denies Appellant's request for an extension of time to serve and file a brief. Appellant did not provide any reason for her failure to comply in her February 28, 2020 letter requesting additional time to submit a brief. D.E. 16. Similarly, Appellant did not provide any reason for her failure to comply in her recent submission. D.E. 28. Therefore, since the Court has not received any explanation for Appellant's failure to comply, the Court denies Appellant's request for an extension to file and serve a brief at this time.

Appellant also requests an extension of time to reply to Appellee JBN's brief in opposition to Appellant's Motion for Relief from Judgment to Reimpose Automatic Stay, D.E. 26. D.E. 28. Since Appellant's letter is dated March 27, 2020, eleven days before the Court issued its Order & Opinion denying Appellant's Motion for Relief from Judgment to Reimpose Automatic Stay, the Court vacates the March 7, 2020 Opinion & Order and grants Appellant forty-five (45) additional days from the date of this Order to reply to Appellee JBN's brief in opposition.

Lastly, Appellant requests permission to amend her "Statement of Issues on Appeal" or Notice of Appeal. D.E. 28. Appellant has not provided the Court with any rule or relevant case law that would allow Appellant to amend her Notice of Appeal at this stage of litigation. Therefore, the Court denies Appellant's request to amend her Notice of Appeal.

For the foregoing reasons, and for good cause shown,

IT IS on this 22nd day of April, 2020,

ORDERED that Appellant is **GRANTED** forty-five (45) days from the date of this Order to respond to the Court's Order to Show Cause dated March 19, 2020, D.E. 24; and it is further

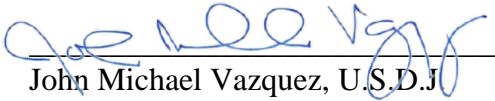
ORDERED that Appellant's request for an extension of time to serve and file a brief is **DENIED**; and it is further

ORDERED that the Clerk shall vacate the March 7, 2020 Opinion & Order, D.E. 27; and it is further

ORDERED that Appellant is **GRANTED** forty-five (45) days from the date of this Order to reply to Appellant James B. Nutter's brief in opposition to Appellant's Motion for Relief from Judgment to Reimpose Automatic Stay, D.E. 26; and it is further

ORDERED that Appellant's request to amend her Notice of Appeal, D.E. 28, is **DENIED**; and it is further

ORDERED that the Clerk's Office shall serve a copy of this Order on Appellant Kennedy by regular mail and certified mail return receipt requested.


John Michael Vazquez, U.S.D.J.